IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 21135 of 1994

Between:

1 krishna Parathpara Rao, S/o Late Jashwanth Rao,
R/o 146-A, S.P. Road,
Secunderabad.
2 R.D. Bhoopal (Died) S/o Late Jashwanth Rao,
R/o 146-A, S.P. Road, Secunderabad.
3 Smt. Srilatha Devi W/o Late R.D. Bhoopal.
4 V. Vajrender S/o Late R.D. Bhoopal.
5 V. Venuvinod S/o Late R.D. Bhoopal.

(The petitioners 3 to 5 are brought on record

as LRs of deceased 2nd petitioner as per court order dt:12.3.97

in WP 5809/97)

..... PETITIONERS

AND

1 Government of A.P., Rep by Secretary
Revenue Department Secretariat,
Hyderabad.
2 Government of A.P., Rep by Secretary
Forest Department Secretariat,
Hyderabad.
3 Chief Conservator of Forest
A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature of writ of

Mandamus declaring the inaction of the Respondents 2 &* 3 in not issuing the transport permits to the petitioners in pursuance of the order of the Respondents No.1 in Cr.No.C1/67458/77, dt:10-4-78 despite several representations made by the writ petitioners as being illegal, arbitrary, unreasonable and therefore violative of Article 14 and 300-A of the Constitution of India and consequently directing the respondents to forthwith issue transport permits to the WP in respect of the Gulmohar trees that have been directed to be cut by the Respondent No.1 by order dated 10-4-78 at Mandipal (V), Pargi (M), Rangareddy Dist and to pass order or orders as this Hon'ble may deem fit and proper.

Counsel for the Petitioner : MR.P.VENUGOPAL

Counsel for the Respondents: GP FOR FORESTS

The Court made the following :

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THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION NO. 21135 OF 1994

ORDER:-

Heard both the learned counsel. The petitioners, by way of writ of Mandamus, are seeking declaration that the inaction of respondents 2 and 3 in not issuing the transport permits to the petitioners in spite of the orders of this Court as illegal and arbitrary.

Though the petitioners' claim is based upon the purchase made by him from the then Jagirdar. It is evident that this Court on the earlier occasion in Writ Petition No. 178 of 1972 dated 14-7-1975 set aside the orders seeking to review the earlier grant of permit in favour of the petitioners. It is pointed out that competent authority granted permission in favour of the petitioners on 10-4-1978 by the then District Collector (Excise), Hyderabad (South) District. In view of the same and in spite of the fact that the petitioners repeatedly pursuing the authorities by filing application, no action has been taken. It is seen that the application of the petitioners is still pending and it is a fact that they are holding permission to cut the trees. Therefore, the inaction on the part of the respondents in not considering the petitioners' case for transport is wholly unsustainable. In view of the same, it is sufficient, in the interest of justice, to permit the petitioners to file once again a comprehensive application.

Accordingly, this writ petition is disposed of with a direction to the petitioner to file a

comprehensive application within four weeks from today before respondents 2 and 3 herein and on receipt of which, the same shall be disposed of on merits in accordance with law, after giving opportunity within two months thereof. No costs.

09—07—2004.

Stv/-

To

1 The Secretary,Government of A.P.,
Revenue Department Secretariat,
Hyderabad.
2 The Secretary,Government of A.P.,
Forest Department Secretariat,
Hyderabad.
3 The Chief Conservator of Forest
A.P., Hyderabad.

4 Two CCs to the G.P for Forest, High Court Buildings, Hyderabad(O.U.T)

5 Two CD copies.

6 One spare copy.